

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

Case No. 12-md-2323 (AB)

MDL No. 2323

THIS DOCUMENT RELATES TO:

**Plaintiffs' Master Administrative Long-
Form Complaint and Tiaina T. Seau,
et al. v. National Football League, et al.,
No. 13-cv-01532 (AB)**

SHORT FORM COMPLAINT

**IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION**

JURY TRIAL DEMANDED

SHORT FORM COMPLAINT

1. Plaintiffs, Tiaina T. Seau and Luisa T. Seau bring this civil action as a related action in the matter entitled IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION, MDL No. 2323.

2. Plaintiffs are filing this short form complaint as required by this Court's Case Management Order No. 2, filed April 26, 2012.

3. Plaintiffs incorporate by reference the allegations (as designated below) of the Master Administrative Long-Form Complaint, as may be amended, as if fully set forth at length in this Short Form Complaint.

4. Not applicable.

5. Plaintiffs, Tiaina T. Seau and Luisa T. Seau are residents and citizens of Oceanside, California and claim damages as set forth below.

6. Not applicable.

7. On information and belief, the decedent Tiaina B. Seau, Jr. ("Junior Seau") sustained repetitive, traumatic sub-concussive and/or concussive head impacts during NFL games and/or practices. On information and belief, decedent Junior Seau suffered from symptoms of brain injury caused by the repetitive, traumatic sub-concussive and/or concussive head impacts the decedent Junior Seau sustained during NFL games and/or practices. On information and belief, the decedent Junior Seau's symptoms arise from injuries that are latent and have developed and continue to develop over time.

8. The original complaint by Plaintiff(s) in this matter was filed in the Superior Court of California for the County of San Diego and was removed to the United States District Court for the Southern District of California. If this case is remanded, it should be remanded to the Southern District of California.

9. Plaintiffs claim damages as a result of [check all that apply]:

- ☐ Injury to Herself/Himself
- ☐ Injury to the Person Represented
- ☒ Wrongful Death
- ☐ Survivorship Action
- ☒ Economic Loss
- ☒ Loss of Services
- ☐ Loss of Consortium

10. Not applicable.

11. ☒ Plaintiffs reserve the right to object to federal jurisdiction.

DEFENDANTS

12. Plaintiffs bring this case against the following Defendants in this action:

 X National Football League

 X NFL Properties, LLC

 X Riddell, Inc.

 X All American Sports, Inc. (d/b/a Riddell Sports Group, Inc.)

 X Riddell Sports Group, Inc.

 X Easton-Bell Sports, Inc.

 X Easton-Bell Sports, LLC

 X EB Sports Corporation

 X RBG Holdings Corporation

13. As to each of the Riddell Defendants referenced above, the claims asserted are:

 X design defect; X informational defect; X manufacturing defect.

14. X The decedent Junior Seau wore one or more helmets designed and/or manufactured by the Riddell Defendants during one or more years decedent Junior Seau played in the NFL.

15. Plaintiff played in X the National Football League (“NFL”) and/or in the American Football League (“AFL”) during 1990 to 2009 for the following teams: San Diego Chargers (1990 to 2002), Miami Dolphins (2003-2005), and New England Patriots (2006-2009).

CAUSES OF ACTION

16. Plaintiff herein adopts by reference the following Counts of the Master Administrative Long-Form Complaint, along with the factual allegations incorporated by reference in those Counts:

- X Count I (Action for Declaratory Relief—Liability (Against the NFL))
- Count II (Medical Monitoring (Against the NFL))
- X Count III (Wrongful Death and Survival Actions (Against the NFL))
- X Count IV (Fraudulent Concealment (Against the NFL))
- X Count V (Fraud (Against the NFL))
- X Count VI (Negligent Misrepresentation (Against the NFL))
- X Count VII (Negligence Pre-1968 (Against the NFL))
- X Count VIII (Negligence Post-1968 (Against the NFL))
- X Count IX (Negligence 1987-1993 (Against the NFL))
- X Count X (Negligence Post-1994 (Against the NFL))
- Count XI (Loss of Consortium (Against the NFL and Riddell Defendants))
- X Count XII (Negligent Hiring (Against the NFL))
- X Count XIII (Negligent Retention (Against the NFL))
- X Count XIV (Strict Liability for Design Defect (Against the Riddell Defendants))
- X Count XV (Strict Liability for Manufacturing Defect (Against the Riddell Defendants))
- X Count XVI (Failure to Warn (Against the Riddell Defendants))
- X Count XVII (Negligence (Against the Riddell Defendants))
- X Count XVIII (Civil Conspiracy/Fraudulent Concealment (Against All Defendants))

17. Plaintiff asserts the following additional causes of action :

- X Wrongful Death—NFL Defendants
- X Wrongful Death—Riddell Defendants

PRAYER FOR RELIEF

WHEREFORE, Plaintiff (and Plaintiff's Spouse, if applicable) pray(s) for judgment as follows:

- A. An award of compensatory damages, the amount of which will be determined at trial;
- B. For punitive and exemplary damages as applicable;
- C. For all applicable statutory damages of the state whose laws will govern this action;
- D. For medical monitoring, whether denominated as damages or in the form of equitable relief;
- E. For an award of attorneys' fees and costs;
- F. An award of prejudgment interest and costs of suit; and
- G. An award of such other and further relief as the Court deems just and proper.

JURY DEMANDED

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff(s) hereby demand(s) a trial by jury.

RESPECTFULLY SUBMITTED:

s/ Jessica T. Sizemore
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